

CHANGE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

5280.5B CHG 2

11/13/95

SUBJ: CHANGE 2 TO AIRPORT CERTIFICATION PROGRAM HANDBOOK

1. **PURPOSE.** The purpose of this Change is to remove clerical errors; make policy changes relating to authority of regional Division managers; and headquarters policy concerning ACSI inspection workload.

The Change Number and date of change is carried at the top of each page. The changed material is marked by a vertical bar in the margin.

PAGE CONTROL CHART

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.....		viii	11/13/95
3-1 and 3-2	10/7/94	3-1	11/13/95
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SECTION 1. GENERAL

300. TYPES OF INSPECTIONS.

a. Initial Inspection. This is the first inspection conducted by an ACSI prior to issuance of an Airport Operating Certificate (AOC) or Limited Airport Operating Certificate (LAOC).

b. Periodic Inspection. Conducted periodically, its purpose is to ensure that the certificate holder meets the requirements of 14 CFR 139 and the Airport Certification Manual (ACM)/Airport Certification Specification (ACS). A full record and report of the inspection must be made and retained in the program files. This type of inspection is recommended to be conducted at least annually. However, in the interest of manpower and resource management, the regional Airports division can apply the following:

- Certificated airports which are large, medium, and small hub airports shall be inspected annually. Nonhub airports can be inspected on an 18-month cycle.

- Limited certificated airports can be inspected on a 24-month cycle. When regions are unable to meet this goal, inspection schedules shall be established to assure every limited certificate airport is inspected at least every 36 months.

c. Surveillance Inspections. Announced or unannounced inspections conducted in addition to the periodic inspections. These inspections may be conducted for any number of reasons; a follow-up to a periodic inspection finding, to monitor airfield construction, or test the airport's continued compliance with the ACM/ACS and FAR Part 139 requirements. They are flexible in coverage and may encompass only a portion of the certification requirements. A record must be made of the visit. These inspections are not intended to be all inclusive, but may be.

301. RESPONSIBILITIES.

a. ACSIs have the responsibility for the inspection of airports which hold an AOC or LAOC and the compliance and enforcement of FAR Part 139. Each certificated airport shall be inspected at least periodically as described in paragraph 300b. Surveillance inspections are conducted on an as needed basis.

b. When assigning an ACSI oversight for certificated airports, workload should be taken into account. Important considerations are allowances for airport complexity and size; inspection preparations, travel, the inspection, follow-up, enforcement investigation, and collateral duties (duties that are related to FAR Part 139 such as wildlife control and ARFF) or other Airports programs (e.g., project engineering and compliance). Workload should also allow time for the ACSI to participate in airport related programs, such as preconstruction safety meetings, airport conferences, triennial emergency disaster simulations, safety seminars, and meeting airport operator needs.

SECTION 2. THE PERIODIC INSPECTION

This section deals primarily with preparation for the periodic inspection. But, it may be used as is deemed necessary in preparing for all the inspections listed above.

302. COORDINATION.

a. Airport Operator. In the interest of maintaining a good working relationship with the airport operator, the periodic inspection should be scheduled in advance, and confirmed as soon as practicable, but no less than 2 weeks before the inspection begins. Prior tentative scheduling may be used to allow for scheduling flexibility and adjustments by airport personnel and ACSIs. Scheduling of the inspection shall be followed-up with a confirmation letter. (See Appendix 5.)

b. FAA Divisions. Other elements of the FAA are also concerned with airport safety and security. A close working relationship, plus a constant flow of information, must be maintained. In preparation for the inspection notify the following, as appropriate, through a courtesy copy of the confirmation letter about the impending inspection:

- Regional Airports Division/Airports District Office (ADO)
- Flight Standards District Office (FSDO)
- Civil Aviation Security Field Office (CASFO)

- Airway Facilities Sector Field Office (SFO)
- Air Traffic Tower
- Local Area Coordinator

These elements should also be copied with any reports relevant to their areas of responsibility.

303. REVIEW OF AIRPORT INFORMATION.

a. The ACSI shall review the following items for the airport to be inspected:

- Airport Certification Manual (ACM)/ Specifications (ACS)
- Current Exemptions from FAR Part 139 requirements
- Previous Inspection Records
- Airport File Violation History for the previous 3 years
- Any previous Legal Enforcement Investigative Reports for last 5 years
- Airport Master Record (FAA Form 5010)
- Obstruction Chart/Airport Approach Survey (if available)
- Airport/Facility Directory (A/FD)
- Accident/incident history
- Airport Compliance file, a verbal briefing is acceptable
- Airport Layout Plan (ALP) file
- Instrument Approach Procedure Charts (IAP)
- Airport Improvement Program File (a verbal briefing by the ADO is acceptable).

b. Review programmed construction projects. Check the official FAR Part 77 category of runways and evaluate this information against current approach plates, ACM/ACS, and Airport Master Record.

c. Ensure proper directives, charts, advisory circulars, and other appropriate information, are available while conducting the inspection.

d. Determine the status of follow-up actions in correcting all previously listed deficiencies.

304. THE INITIAL AND PERIODIC INSPECTION.

a. **General:** The certification inspection program operates under the philosophy that the certificate holder's self-inspection program is the keystone to compliance with FAR Part 139. Airport procedures for self-inspections shall be reviewed in those cases where multiple violations are found. The on-site certification inspection actually results in an evaluation of the adequacy of airport procedures on self-inspection, airport condition reporting, and corrective actions. The inspection must evaluate the airport operator's compliance with FAR Part 139 and the ACM or ACS as extensions of the regulation.

(1) Certification inspections shall be conducted in accordance with the guidance and criteria

contained in Section 3 of this chapter. The general inspection procedures addressed in this section outline the recommended method for conducting a certification inspection. The basic phases of an inspection are as follows:

- In Briefing
- Administrative Inspection
- Movement Area Inspection
- ARFF Inspection
- Fueling Facilities Inspection
- Night Inspection
- Post Inspection Briefing

The inspection agenda should remain flexible in order to have as little impact as possible on the operation of the airport. Due to high-density traffic at some airports, difficulty in gaining access to runways may be encountered. In such cases, consideration should be given to conducting movement area inspections on a weekend or early morning.

(2) Initial and periodic certification inspections shall include a night inspection of lighting and marking if the airport conducts night air carrier operations or has an instrument approach procedure. For the purpose of FAR Part 139, night inspections shall be conducted any time between official sunset and sunrise. In Alaska, these inspections shall be conducted during the period a prominent unlighted object cannot be seen from a distance of 3 statute miles or the sun is more than 6 degrees below the horizon.

(3) During the inspection, key personnel, such as the operations supervisor, maintenance supervisor, aircraft rescue firefighting (ARFF) chief, and local FAA management, should be interviewed to discuss FAR Part 139 and determine if they are familiar with procedures and responsibilities addressed in the ACM/ACS. Be aware that FAA personnel may be reluctant to discuss problem areas when the airport operator is present. It may be preferable to visit these offices alone.

b. In briefing.

(1) Meet with the airport management to discuss the inspection agenda, current airport status, including any problem areas or new ideas affecting the airport. Recent developments pertaining to FAR Part 139 should be covered by the ACSI.

(2) Coordinate with the control tower for inspection of the movement area and the required timed ARFF response.

c. **Administrative Inspection.** During this phase of the inspection, the ACSI shall:

(1) Review the official airport copy of the ACM/ACS, including the Airport Emergency Plan

(2) AC 150/5340-24, Runway and Taxiway Edge Lighting System.

(3) AC 150/5340-18, Standards for Airport Sign Systems.

(4) AC 150/5340-4, Installation Details for Runway Centerline Touchdown Zone Lighting Systems.

(5) AC 150/5340-19, Taxiway Centerline Lighting System.

(6) AC 150/5345-12C, Specification for Airport and Heliport Beacon.

308. CERTIFICATION REQUIREMENTS -

139.101. This section addresses the requirement for air carriers under FAR Part 121.590 to operate in and out of airports certificated under FAR Part 139. FAR Part 139.101(b) permits the operator of a non-certificated airport, when authorized by the Administrator, to serve unscheduled air carrier operations with aircraft having a seating capacity of more than 30 passengers. This provision is designed to address emergency and unusual circumstances, such as the operation of air carrier aircraft transporting forest firefighters, or air carriers which may accompany Air Force One (Public Use Aircraft). Upon request by the airport owner, and in coordination with regional Flight Standards, the Airports division manager may authorize such operations and issue a Letter of Authorization. (See Appendix 23 and paragraph 401c.) Such authorization shall be predicated on a site visit within the last 36 months.

309. APPLICATION FOR CERTIFICATE -

139.103. Application for an AOC or LAOC must be made on FAA Form 5280-1 (Appendix 3). An application for an AOC/LAOC shall be submitted with two copies of an ACM/ACS, sufficiently far enough in advance of an intended operation, to allow the conduct of an inspection, approval of the ACM/ACS, and preparation of the certificate and associated correspondence. This same form may be used in applying for amendments to the AOC. However, a transmittal letter is normally used by airport operators when applying for exemptions or amendments.

310. INSPECTION AUTHORITY - 139.105. This authority is implied through the Federal Aviation Act of 1958, as amended, Section 612, which empowers the Administrator to issue AOC's and establish minimum safety standards for air carrier aircraft with more than 30 passenger seats.

311. ISSUANCE OF CERTIFICATE - 139.107.

a. Execution of the Certificate. The AOC can be processed after the region has approved the ACM/ACS and an initial inspection has determined the airport to be in full compliance with FAR Part 139.* An

inspection is not needed at an airport downgrading from an AOC to an LAOC. However, an inspection is required at an airport upgrading from an LAOC to an AOC. The initial inspection shall be conducted in accordance with the procedures and criteria outlined in section 1 of this chapter.

* A Letter of Correction can be issued with the AOC to address minor discrepancies which are unresolved at the time the certificate is issued. Any necessary exemptions shall also be issued with the AOC to document FAR Part 139 requirements which the airport operator will not be required to comply with at the time the certificate is issued.

(1) Application Form. Complete the FAA USE ONLY sections of the application, FAA Form 5280-1 (Appendix 3). In the Remarks section, for airports downgrading to a limited certificate, add the following remark: "Airport previously held a full Airport Operating Certificate". If an LAOC is for temporary issue, in the Remarks section add the effective date(s) and times of the certificate.

(2) Airport Operating Certificate (Appendix 4). The AOC must be completed in the following manner:

(a) Name. The name of the airport, associated city, and state, must be included on the appropriate line. This information should be consistent with information on the FAA Form 5010.

(b) Airport Operating Certificates. Directly after the sentence that ends "contained herein," add: "or in the currently approved Airport Certifications Manual on file with the FAA."

(c) Limited Airport Operating Certificates. Directly after the sentence that ends "contained herein," add: "or in the currently approved Airport Certification Specifications on file with the FAA."

(d) Temporary (Time) Limited Airport Operating Certificates. Directly after the sentence that ends "contained herein," add: "or in the currently approved Airport Certification Specifications on file with the FAA. This certificate is in effect for the period 0001 (time zone), (Date) to 2400 (time zone), (Date)."

(e) Effective Date. The effective date is the date the airport is in compliance with FAR Part 139, as determined by the regional Airports division manager.

(f) Issued At. Enter the city in which the regional office is located and the date of signature.

(g) Signature Authority. The Assistant Administrator for Airports (ARP-1) has delegated the

approval/signature authority to the regional Airports division manager. However, if the regional Airports division manager is not available for an extended period of time, and the certificate needs to be issued during his absence, it is appropriate for the acting division manager to sign the certificate.

(3) **Cover Letter.** Prepare the cover letter to transmit the certificate.

(4) **National Flight Data Center (NFDC) Action.** After the AOC has been issued, the ACSI sends a copy of the marked-up FAA Form 5010 to AAS-330 for NFDC action, noting the appropriate ARFF Index, if appropriate.

b. **Suspension/Revocation of Certificate.** See Chapter 5, paragraph 503c(4)(b).

c. **Environmental Categorical Exclusions.** Order 5050.4, Airport Environmental Handbook, current edition, identifies items that may be classified as Categorical Exclusions (CE). The issuance of an AOC under FAR Part 139 is included in that list and, therefore, does not require an environmental assessment (EA).

312. DURATION OF CERTIFICATE - 139.109. FAA has the authority to revoke a certificate if an airport no longer meets standards and/or requirements of FAR Part 139. Downgrading an airport with an AOC to a Limited AOC (LAOC) because there is no longer scheduled air carrier service or revoking a certificate due to serious safety problems must be coordinated with AAS-300.

313. EXEMPTIONS - 139.111.

a. In accordance with Section 139.111 of the regulation, the certificate holder may petition for an exemption under Section 11.25, Petitions for Rule Making or Exemptions, from any requirement of FAR Part 139. The ACSI must determine that:

(1) Any exemptions issued to the airport are current and necessary.

(2) All conditions of the current exemptions are being met.

(3) Appropriate steps are being taken toward correcting deficiencies that made the exemption necessary.

b. Exemptions shall be time limited and normally not exceed 1 year. Exemptions that require more than 1 year must be coordinated with AAS-300 and shall be monitored during the periodic Airport Certification Inspection. This keeps the exemption in the review process which results in closer monitoring of airport operator actions to terminate the exemption.

c. An exemption is not a "Modification of Standards." Order 5300.1, Approval Level for Modification of Agency Airport Design and Construction Standards, contains information and guidance for issuing modifications to standards. Paragraph 5, EXEMPTIONS, reads "Exemptions and waivers to Federal Aviation Regulations Part 139, are not covered by this order." Therefore, a modification to standards is not issued as a means of achieving compliance with FAR Part 139 requirements. If, however, a modification to standards is issued in the context of Order 5300.1 which impacts Part 139 requirements, it should be addressed in the ACM/ACS.

d. Exemptions for ARFF requirements under Section 139.111(b) will not be considered except under unusual situations, and must be coordinated with AAS-300.

e. Current exemptions will be kept with the individual airport certification file and available for inspection.

f. Also see Chapter 9, Petitions of Exemptions.

314. AIRPORT OPERATING CERTIFICATE AIRPORT CERTIFICATION MANUAL (ACM) 139.201.

a. The ACM is legally an extension of the regulation and provides the bridge between the broad requirements of the regulation and the procedures and facilities in place at each airport to meet those requirements. The importance of what the ACSI approves in the ACM cannot be overemphasized.

b. AC 139.201-1, Airport Certification Manual and Airport Certification Specifications, current edition, provides additional guidance for the ACSI.

c. Portions of the movement area excluded from FAR Part 139 must be identified in the ACM. These areas are inspected as part of the FAA Airport Master Record (FAA Form 5010) update, but must not be cited as violations to FAR Part 139. If a runway is excluded from the certificate, it must also be closed to air carrier use and so identified in the Airport/Facility Directory (A/FD). Runways with weight restriction indicated in the A/FD do not necessarily restrict air carrier operations. The excluded areas should also be listed as appropriate in any letters of agreement with the ATCT. At airports which are required to have a Surface Movement Guidance and Control System (SMGCS) Plan, only those parts of the plan which are relevant to FAR Part 139 are included. It is important that ACSIs assure that the parts that are incorporated

CHAPTER 8. INSPECTOR TRAINING, QUALIFICATION, AND CREDENTIALS

800. PURPOSE. This Chapter prescribes criteria, policies, and procedures for the training and issuance of identification credentials to ACSI's.

801. BACKGROUND. The ACSI's credentials will identify the bearer as an accredited representative of the FAA authorized to perform Airport Certification inspections and to discharge those duties as provided for by FAR Part 139; Section 612 of the Federal Aviation Act of 1958, as amended. In order to obtain the credentials, individuals must qualify by meeting certain specific requirements. In order to retain the credentials, the ACSI must maintain currency as prescribed in paragraph 810. Management must be conscious of these requirements and take appropriate measures to assure that qualified persons are available and current to conduct regional certification programs without interruptions caused by the lack of such persons. Considering the limited number of personnel assigned with airport certification as their primary duty, it is appropriate that cross-training of personnel assigned to other Airports program areas be accomplished. However, the assignment of full-time ACSI's is encouraged.

802. POLICY.

a. Individuals meeting the eligibility criteria stated in paragraph 805 will be issued ACSI's credentials.

b. The duties of the ACSI, as set forth in this Order, will be performed only by persons who have been issued ACSI credentials or who temporarily hold inspection authorization as described in paragraph 811 of this Order. This does not preclude the use of technical specialists to assist in the Certification Program provided that the overall responsibility for determining an airport's compliance with certification requirements remains with an ACSI qualified in accordance with this Order.

803. APPROVAL AUTHORITY. The Director, Office of Airport Safety and Standards, AAS-1, is the approving authority for issuance of the ACSI's credentials.

804. RESPONSIBILITY. The Manager, Airport Safety and Operations Division, AAS-300, is responsible for establishing the criteria for eligibility, issuance,

and accountability of FAA Form 5280-5, ACSI's Credentials. The Office of Civil Aviation Security, ACS-1, monitors and inspects the procedures for the issuance and control of credentials as required by Order 1600.25, FAA Identification Media.

805. CRITERIA FOR ELIGIBILITY. Credentials are issued to qualified persons who are assigned the duties of ACSI and meet the following criteria:

a. Have a background/experience related to aviation or airport safety (see paragraph 807 for the desirable background);

b. Have completed the training requirements of paragraph 806; and

c. Receive a recommendation from their regional Airports division manager.

806. INSPECTOR TRAINING. The training objective is to provide the ACSI with a basic knowledge of airport operations which will enable him/her to administer the regulatory Airport Certification Program. The knowledge is acquired through a combination of formal training courses and on-the-job training.

a. The minimum training that must be completed prior to issuance of an ACSI's credential includes all of the following courses given by the FAA Academy and/or recognized institutions:

(1) FAA Academy: Airport Certification Course #06041;

(2) Compliance and Enforcement Procedures Course (#12020);

(3) Aircraft Rescue and Firefighting Training School; and

(4) At least 3 months of on-the-job training to include administrative procedures and a minimum of six inspections with a qualified ACSI.

b. Additional FAA training courses:

(1) Introduction to Aircraft Accident Investigation Course (#00001). This mandatory course must be taken within 2 years after an ACSI receives his/her credential. Completion of this course will defer the recurrent training requirement (paragraph 810) by 1 year.

(2) NAVAIDs and Lighting (#06019) by FAA Academy. This course is desirable.

(3) Compliance and Surplus property (#06026) by FAA Academy. This course is desirable.

807. AVIATION BACKGROUND/EXPERIENCE. The following training and accomplishments are desirable background qualifications for an ACSI:

- a. Flight training (ground and flight experience).
- b. Airport management, operations, airline management (experience or institutional).
- c. Experience in other FAA Airports programs.
- d. Experience in other FAA safety enforcement programs.

808. ON-THE-JOB TRAINING (OJT). The following OJT items should be observed by the ACSI candidate during the inspection process. This includes preparation in performing an effective critique of the certificate holder's compliance with the regulations.

a. **Preinspection file review.** Refer to the outline contained in Chapter 3.

b. **On-site OJT inspection process observation.**

(1) **Observation.** The ACSI candidate must participate in at least three inspections conducted by a credentialed ACSI as an observer. The candidate should observe at least two experienced credentialed ACSI's prepare for and conduct periodic inspections. The inspections should range from an airport with an LAOC to an airport with an AOC with at least an Index C.

(2) **Supervised Inspections.** The ACSI candidate must conduct at least three independent inspections including an airport with an LAOC, and one with an AOC of at least Index C level, under the supervision and observation of an experienced credentialed ACSI. The preinspection and on-site inspection process described above will be critiqued by the credentialed ACSI assigned to oversee the OJT of the candidate. The candidate will be responsible for preparing all inspection documents for signature by the credentialed ACSI. The monthly activity report will indicate the training accomplished.

809. SATISFACTORY COMPLETION OF OJT ASSIGNMENTS. Upon completion of all OJT as-

signments, the credentialed ACSI will evaluate the candidate's OJT performance and prepare a brief appraisal indicating the ability of the ACSI candidate to perform the duties of an independent ACSI. If the appraisal is satisfactory, it will be forwarded to the branch manager, who will prepare a request for credential issuance by AAS-300.

810. CURRENCY REQUIREMENTS.

a. In order for a regional credential holder to perform the inspection duties prescribed in this order, it is necessary to maintain currency by compliance with the following:

(1) Perform a minimum of two Airport Certification inspections within the last 6-month period as the principal ACSI. These inspections are to be reported on the monthly Airport Certification Activity Report, FAA Form 5200-6, showing the ACSI's name and credential number. No more than half these inspections should be at limited certificate airports.

(2) At least once every 3 years after receiving his/her credential, an ACSI shall attend a recurrent training course. Completion of recurrent training will also be reported on the Monthly Airport Certification Activity Report, FAA Form 5200-6, by the ACSI's name.

b. If a regional credential holder fails to remain currently qualified, he will return his credentials to AAS-300 within 45 days after currency qualifications expire.

c. The Manager, Airport Safety and Operations Division, will request that the regional Airports division manager secure and return credential cards for any ACSI in his organization whose currency has lapsed by more than 60 days.

811. TEMPORARY INSPECTION AUTHORIZATION.

a. When deemed necessary to achieve program objective's, the Director, Office of Airport Safety and Standards, may temporarily issue credentials to individuals who have not met the minimum criteria for full credentials listed in paragraph 806. Such individuals must have significant experience in airport safety and must be recommended by the regional Airports division manager. The temporary issuance of a credential may be granted for a period to be determined by the Manager, Airport Safety and Operations Division, and will normally not exceed 180 days.

b. Requests for issuance of ACSI credentials on a temporary basis shall be made to the Manager, Airport Safety and Operations Division, and shall include:

(1) The name and background/experience information of the recommended individual;

CHAPTER 9. PETITIONS FOR EXEMPTIONS

900. GENERAL. A petition for exemption is a request from a member of the public to be exempted from the requirements of a rule or part of a rule. Petitions for an exemption from a FAR usually originate from aircraft manufacturers regarding airworthiness rules; from airlines regarding aircraft operating or maintenance rules; from pilots for airman or medical rules; or from airport operators for airport certification rules. Subpart B of FAR Part 11 covers the requirements for such petitioners.

901. RECEIPT OF PETITION FOR EXEMPTION. Section 11.25(b) specifies that in case of any petition for exemption filed under FAR Part 139, the petition for exemption be submitted in duplicate to the appropriate FAA Airports regional office in whose area the petitioner proposes to establish or has established its airport. Any petition for exemption from FAR Part 139 should be forwarded to the regional Certification Staff for processing.

902. PROCESSING THE PETITION.

a. Docket. Regional Certification Staff will contact AGC-10 for a docket number, which is to be typed on the incoming petition if it meets the requirement set forth in b below. A copy of the petition, bearing the docket number, must be sent to the Office of Chief Counsel, AGC-200. Any correspondence to the petitioner will include the docket number.

b. Initial Review for Compliance. Petitions for exemption are to be reviewed by the regional Certification Staff to ensure that the following items are included in the petition for exemption (see Section 11.25 for the complete requirements):

- (1) an explanation of the nature and extent of the relief sought;
- (2) information, views, or arguments to support the action sought;
- (3) the reason why granting the request would be in the public interest;
- (4) the reason why the exemption would not adversely affect safety or the action to be taken by the petitioner to provide a level of safety equal to that provided by the rule from which the exemption is sought.

c. Petition Does Not Meet Requirements. If the petition does not include the information required by Section 11.25, a letter of rejection is prepared for signature of the regional Airports division manager. This letter explains why the petition does not satisfy

the requirements and is to be sent to the petitioner within 30 days of the receipt of the petition.

d. Petition Does Meet the Requirements. If the petition meets the requirements of Section 11.25, the regional Airports division prepares a letter acknowledging receipt of the petition within 30 days. This letter is signed by the Airports division manager. A summary of the petition for exemption does NOT need to be published in the Federal Register.

e. Time Requirements. Section 11.25(b)(1) states that the petition must, unless good cause is shown, be submitted at least 120 days before the proposed effective date of the exemption. This means that normally the petitioner may not expect final agency action in less than 120 days from the time of submittal to the FAA. Petitioners in exemption action are not notified until the grant or denial of the petition has been issued.

903. ANALYSIS OF THE PETITION. While each request for an exemption must stand on its own merit, a copy of the petition for exemption is to be sent to AAS-310 for administrative purposes (namely, to see if similar exemptions have been granted in other regions). In an exemption action, maintaining an equivalent or greater level of safety is of primary concern. The analysis should focus on the petitioner's justification that safety would not be adversely affected. Consideration in the analysis should include:

- a.** The effect of an undue burden upon the petitioner if the exemption is not granted, relative to the burden that others bear in complying with the rule;
- b.** The effect of setting a precedent with respect to safety and public interest. A review of related previous exemption action may be in order. As with any petition, the FAA may request additional information from the petitioner.

904. PROCEDURES FOR GRANTING OR DENYING THE PETITION FOR AN EXEMPTION.

a. Decision to Grant. After completing the analysis, the FAA may conclude that the petitioner's arguments support a grant of exemption. In this case, the regional Certification Staff will draft a document granting the exemption.

b. Decision to Deny. After reviewing all of the issues involved, the agency may determine that the petitioner has not shown reasonable support to granting the exemption. A decision to deny the exemption is based on the determination that the exemption would

not be in the public interest, would adversely affect safety, or, if applicable, would not provide a level of safety equal to the rule. Under such circumstances, the regional certification staff will prepare a denial of the exemption document. The denial document responds to the same questions cited in the grant of exemption and shall include the FAA's rebuttal to the petitioner's arguments.

c. Partial Grant of an Exemption. If the agency determines that part of the petitioner's request meets the criteria for granting the petition, it may issue a partial grant of exemption. The guidelines for both the grant of exemption and denial of exemption documents should be followed. The document must fully discuss those parts of the request that are being denied and those that are being granted.

d. Document Contents. The document granting the exemption should answer the following questions:

- (1) What was the petitioner's request?
- (2) What does the current rule require?
- (3) What arguments did the petitioner use to support the request?
- (4) If the regional Airports division does not agree with all of the arguments presented by the petitioner to support the grant of exemption, these reasons shall be discussed. All issues presented by the petitioner are to be addressed. The document should discuss how granting the request will not adversely affect safety and should explain how the action proposed by the petitioner will provide a level of safety equal to the rule. Any conditions, design modifications, operating limitations, expiration date, etc. must be made part of the granting clause.

The format for these documents are shown in Appendix 25.

e. Coordination and Signature. The regional Certification Staff will coordinate the appropriate grant or denial of the petition for exemption within the region's Airports division office, Assistant Chief Counsel's office, and the Certification specialist assigned to the region in AAS-310. The document is then sent to the regional Airports division manager for signature. The regional certification staff will then obtain an exemption number from AGC-200, type this number along with the docket number on the upper right-hand corner of the first page and mail the original denial or grant document to the petitioner. The docket number and the exemption number both go on this document even if the document is a denial of the exemption. Copies are sent to the Office of Rulemaking (ARM), AGC-200, and AAS-300. With the copy sent to ARM,

send an electronic copy (a disk) of the document. This is entered into a database for agency distribution.

f. Disposition Publication. ARM prepares the notice of disposition for the Federal Register. The action closes the docket.

905. PETITION FOR RECONSIDERATION.

a. Filing a Petition for Reconsideration. A petition for reconsideration is a petition to reconsider a previous denial or grant of an exemption.

(1) Section 11.55(a) requires a petition for reconsideration of a denial of an exemption to be filed with the Administrator within 30 days after a petitioner is notified of a denial of exemption.

(2) Section 11.55(b) allows a party other than the initial petitioner to file a petition for reconsideration of a grant of exemption. This petition for reconsideration must be filed within 45 days after a grant of exemption is issued.

b. Processing a Petition for Reconsideration. The petition for reconsideration must be based on additional information as set forth in Section 11.55(d). The procedures for processing a petition for reconsideration are the same as those for processing a denial or grant of petition for exemption. If the document is a grant or partial grant, it is issued by the regional Airports division manager. If it is a denial, it is issued by the Administrator.

906. REQUEST FOR AN EXTENSION OF THE TERMINATION DATE OF AN EXEMPTION. Upon receipt of a request from a petitioner to extend the termination date of an exemption, the regional Airports Certification Staff shall prepare a letter of agreement or denial for the signature of the regional Airports division manager. The following information is to be included:

- a. The FAR Section;
- b. Date of incoming petition;
- c. Docket number;
- d. "Grant of extension" statement; and
- e. Exemption number (after signed).

A copy of the extension or denial shall be sent to AGC-200 and AAS-300 prior to the original exemption termination date.

See Appendix 26 for an example of the proper format and the required "boiler plate" language which is to be included in the letter granting or denying the extension.

907.-999. RESERVED.

CHAPTER 11. EVALUATIONS AND STAFF VISITS

1100. PURPOSE.

a. This Chapter contains guidelines for formal evaluations and staff visits for the purpose of providing staff assistance and determining the effectiveness of regional management of the Airport Certification Program. Order 1800.38, Office of Associate Administrator for Airports Evaluation Program, and Order 1800.2, Evaluation and Appraisal of Agency Programs are central to this function and provide national policy.

b. These guidelines are provided to assist in the evaluation of the program's performance and compliance with policies, regulations and procedures. The main objectives of these evaluations are to determine:

- (1) Regional program management effectiveness,
- (2) Needed improvements,
- (3) Proper use of Airport Certification Safety Inspector resources,
- (4) The quality of service being provided to the users and the public, and
- (5) The adequacy of the present policies, programs, and regulations.

1101. FORMAL EVALUATIONS. Periodic formal evaluations assure that an in-depth progress review is accomplished, weaknesses and strengths noted and recommendations for improvement are identified. Evaluation results should be acted upon in a timely manner. Actions taken should be responsive to recommendations. Formal evaluations consist of the following elements or activities:

- a. AAS-310 will conduct a full-scale evaluation of the Airport Certification Program in each region on a 3-year cycle.
- b. Develop an evaluation schedule every year and provide it to the regions that will be evaluated.
- c. Provide regions an evaluation guideline to assure comprehensive and uniform evaluation among the regions.
- d. Conduct entrance and exit conferences with the regional Airports division manager or designated representative.
- e. Report promptly the results of the evaluation to AAS-1. A draft report should normally be issued within 45 days after completion of the regional evaluation.

f. The headquarters evaluator will notify the appropriate region of a proposed evaluation at least 30 days prior to the evaluation.

g. The duration of the regional evaluation will normally be 1 week and it will normally consist of two headquarters Airport Certification Specialists.

h. One or both of the Airport Certification Specialists will visit the regional office and review/evaluate documentation, files, and the ACM/ACS review and maintenance.

i. Headquarters Airport Certification Specialist will accompany Regional Airport Certification Safety Inspectors during the conduct of scheduled periodic airport certification inspections. These inspections will be coordinated well in advance to reduce disruption to the regions program and to allow for maximum utilization of time by the headquarters specialists.

1102. STAFF VISITS. These are informal visits generally made for the purpose of providing assistance, clarifying policy and conducting an informal review of Regional Airport Certification Program management with regional Airport Certification Safety Inspectors. They are intended to be informal and to discuss problems, program accomplishments and improve regional/headquarters dialogue and consistency of policy interpretations. They will consist of the following elements or activities:

- a. AAS-310 will attempt to conduct a staff visit to each region once a year except during the year of the formal evaluation providing resources are available.
- b. Develop a staff visit schedule every year and provide it to the regions.
- c. Conduct an informal conferences with the airports division manager or the designated representative.
- d. The headquarters Airport Certification Specialist will notify the appropriate region of a proposed staff visit at least 4 weeks prior to the proposed visit to arrange an acceptable date.
- e. The staff visit will normally consist of a 1 to 2 days visit of the regional office and in certain instances accompany an inspector during a scheduled Airport Certification Inspection. The staff visit will be conducted by one headquarters Airport Certification Specialist.

f. The visit will concentrate on informal discussions of airport certification problems and issues generated by headquarters or the region.

g. There will not be a formal report of the proceedings of the discussions to allow for open discus-

sions between the regional staff and headquarters personnel. However, requested headquarters follow-up items will be documented.

1103.-1199. RESERVED.